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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:16-CR-193-KJD-VCF
)	
)	MOTION FOR EXTENSION OF TIME
Plaintiff,)	AND PROPOSED ORDER
)	
v.)	
)	
KENNETH EARL BROOKS,)	
)	
Defendant.)	

MOTION FOR EXTENSION OF TIME

The United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, hereby files a Motion to extend the date for the Government to file a response to the Defendant's Motion to Suppress (Docket #19) for three (3) weeks.

This Motion is filed for the following reasons:

1. On September 1, 2016, the Defendant filed a Motion to Suppress. *See* Docket #22. PACER set the Government's response deadline for September 18, 2016, which fell on a Sunday.

1 2. On September 26, 2016, undersigned counsel for the United States anticipates
2 commencing trial in the matter of *United States v. Louis Matthews*, case number 2:15-cr-062-
3 JCM-CWH. Defendant Matthews is charged with participating in a drug conspiracy charge and
4 committing a first-degree murder. The Government has subpoenaed approximately 60 witnesses
5 for said trial and has had to conduct pre-trial conferences and has been preparing for the
6 *Matthews* trial for the past month and a half, which has taken away from time needed to prepare
7 a response to the Defendant's Motion to Suppress, taking into account due diligence. Defendant
8 Matthews is in custody pending trial. It is expected that the trial will last a week and a half.

9 3. On September 19, 2016, the Defendant filed a second stipulation to continue the
10 trial. *See* Docket #24.

11 4. The additional time requested herein is not sought for purposes of delay, but
12 merely to allow the Government adequate time to prepare a response to the Defendant's Motion
13 to Suppress.

14 5. Additionally, denial of this request for continuance could result in a miscarriage
15 of justice.

16 6. This is the first motion filed herein to continue the Government's response
17 deadline.

18 DATED: September 19, 2016.

19 Respectfully submitted,

20 DANIEL BOGDEN
21 United States Attorney

22 _____
23 //s//
24 PHILLIP N. SMITH, JR.
25 Assistant United States Attorney
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:16-CR-193-KJD-VCF
)	
)	FINDINGS OF FACT AND
Plaintiff,)	ORDER
)	
v.)	
)	
KENNETH EARL BROOKS,)	
)	
Defendant.)	

FINDINGS OF FACT

Based on the pending Motion made by the United States, and good cause appearing therefore, the Court finds that:

1. On September 1, 2016, the Defendant filed a Motion to Suppress. *See* Docket #22. PACER set the Government's response deadline for September 18, 2016, which fell on a Sunday.

2. On September 26, 2016, undersigned counsel for the United States anticipates commencing trial in the matter of *United States v. Louis Matthews*, case number 2:15-cr-062-JCM-CWH. Defendant Matthews is charged with participating in a drug conspiracy charge and committing a first-degree murder. The Government has subpoenaed approximately 60 witnesses for said trial and has had to conduct pre-trial conferences and has been preparing for the *Matthews* trial for the past month and a half, which has taken away from time needed to prepare a response to the Defendant's Motion to Suppress, taking into account due diligence. Defendant Matthews is in custody pending trial. It is expected that the trial will last a week and a half.

3. On September 19, 2016, the Defendant filed a second stipulation to continue the trial. *See* Docket #24.

